

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--|---|--------------------------------|
| JAY BONANZA BRILEY, |) | |
| |) | Civil Action No. 3: 14-cv-0193 |
| Petitioner, |) | |
| |) | United States District Judge |
| vs. |) | Kim R. Gibson |
| |) | |
| ERIC HOLDER, JR., Attorney General; |) | |
| and MARK A. KIRBY, Warden, |) | |
| Federal Correctional Institute, Loretto, |) | |
| Pennsylvania, |) | |
| |) | |
| Respondents. |) | |

MEMORANDUM ORDER

On September 9, 2014, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus (ECF No. 1) and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

The magistrate judge filed a Report and Recommendation on February 9, 2015 (ECF No. 13), recommending that the Petition for Writ of Habeas Corpus be dismissed for lack of subject matter jurisdiction. On February 23, 2015, Petitioner filed Objections to the Report and Recommendation (ECF No. 14).¹ Petitioner's objections do not undermine the recommendation of the magistrate judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

¹ The Objections were filed on February 23, 2015, as determined by the mailbox rule for prisoner filings. See *Houston v. Lack*, 487 U.S. 266 (1988). The Objections were signed on February 23, 2015, and Petitioner submitted a Notice of Filing which reflects that he placed his objections in the prison mail room on February 23, 2015. Accordingly, the Court concludes that the objections were filed on the date the objections were signed, the earliest date possible that they could have been delivered to prison officials for mailing.

AND NOW, this 4th day of March, 2015:

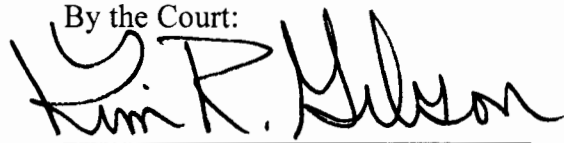
IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DISMISSED** for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 13) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson
United States District Judge

cc: JAY BONANZA BRILEY
48412-083
LORETTO
FEDERAL CORRECTIONAL INSTITUTION
Inmate Mail/Parcels
P.O. BOX 1000
LORETTO, PA 15940
(via U.S. First Class Mail)

Amie S. Murphy
United States Attorneys Office
(via ECF electronic notification)